

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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DR. MILTON PRYSTOWSKY, in his own right  
and as EXECUTOR OR THE ESTATE OF ROSE  
PRYSTOWSKY,

Plaintiff,

v.

TGC STORES, INC., ADT SECURITY  
SERVICES, INC., INVACARE CORPORATION,  
GOLDEN BROTHERS, INC. d/b/a GOLDEN  
TECHNOLOGIES, PRIDE MOBILITY  
PRODUCTS CORP. and JOHN DOES 4 – 10

Defendants.

-----X  
PRIDE MOBILITY PRODUCTS CORP.

Third-Party Plaintiff,

v.

DEWERT MOTORIZED SYSTEMS, PHOENIX  
MECANO, INC. and KINGSTEC INDUSTRIES,  
INC., and JOHN DOES 1 – 10

Third-Party Defendants.

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**Civil Action No.  
2:07-cv-00072-SDW-MCA**

**NOTICE OF MOTION**

**Motion Date: December 20,  
2010**

**Oral Argument Requested**

**PLEASE TAKE NOTICE** that, upon the annexed Declaration of Neil L. Sambursky, Esq. dated November 24, 2010, and all exhibits attached; the Affidavit of Patrick Burns, sworn to November 23, 2010, and all exhibits attached thereto; Pride Mobility Products Corp.'s ("Pride Mobility") Rule 56.1 Statement Of Undisputed Material Facts, dated November 24, 2010; the accompanying Memorandum of Law, dated November 24, 2010; and, upon all pleadings and proceedings heretofore had herein, defendant/third-party plaintiff Pride Mobility, will move this Court before the Honorable Susan D. Wigenton at the United States District Court for the

District of New Jersey, located at 50 Walnut Street, Newark, New Jersey 07101, on the 20th day of December, at 9:30 in the forenoon, or as soon thereafter as counsel can be heard, for an Order pursuant to F.R.C.P. Rule 56:

1. granting partial summary judgment to Pride Mobility, dismissing all claims and cross-claims against Pride Mobility seeking damages for personal injuries sustained by plaintiffs as time-barred under N.J.S.A. 2A:14-2;
2. granting partial summary judgment to Pride Mobility, dismissing all claims and cross-claims against Pride Mobility seeking damages for the Wrongful Death of Rose Prystowsky, as time-barred under N.J.S.A. 2A:31-3;
3. granting summary judgment to Pride dismissing plaintiffs' complaint and all cross-claims against Pride on the grounds that because the Second Amended Complaint is procedurally invalid and a nullity, it must be dismissed and the Court lacks personal jurisdiction over Pride; and,
4. for such other and further relief as this Court may deem just, equitable and proper.

Oral argument is requested, if permitted by the Court.

Dated: November 24, 2010

**MIRANDA SAMBURSKY SLONE**  
**SKLARIN VERVENIOTIS LLP**  
Attorneys for Defendant  
PRIDE MOBILITY PRODUCTS CORP.

**s/ Neil L. Sambursky**

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Neil L. Sambursky (NLS-8520)  
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Our File No.: 09-018

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